



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
January 16, 2019 17:18

By: SAMUEL R. SMITH 0076242

Confirmation Nbr. 1601239

KELLY POLIAN

CV 19 909713

vs.

CVS CAREMARK ET AL.

Judge: PETER J. CORRIGAN

Pages Filed: 4

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CIVIL DIVISION

Kelly Polian)	
1611 E. 66 th St.)	CASE NO.
Cleveland, OH 44103)	
)	JUDGE
Plaintiff,)	
)	
vs.)	
)	
CVS Caremark)	COMPLAINT FOR NEGLIGENCE
One CVS Drive)	
Woonsocket, RI 02895)	
)	
And)	
)	
CT Coporation System, Statutory)	
Agent C/O Timothy Robertson)	
4400 Easton Commons Way,)	
Suite 125)	
Columbus, OH 43219)	
)	
Defendants.)	
)	

COMES NOW Plaintiff, Kelly Polian ("Plaintiff"), and for her **Complaint** for personal injuries and compensatory damages against **Defendants CVS Caremark and CT Corporation System** ("Defendants") states as follows:

PARTIES

1. Plaintiff at all times relevant herein was a resident of the City of Cleveland, Cuyahoga County, and the State of Ohio.
2. Defendant CVS Caremark at all times relevant, herein was/is a limited liability company organized under the laws of the State of Ohio, and licensed to do business in the State of Ohio, and is doing business in Cuyahoga County and the State of Ohio.

3. Defendant CT Corporation System is the Statutory Agent of Defendant CVS Caremark at all times relevant, herein which herein is a limited liability company organized under the laws of the State of Ohio, and licensed to do business in the State of Ohio, and is doing business in Cuyahoga County and the State of Ohio.
4. Defendant CT Corporation System herein was/is a member, agent and/or employee of Defendant CVS Caremark and was acting within the course and scope of said agency and/or employment and as a result Defendant CT is liable for its conduct pursuant to the doctrine of Respondeat Superior.

COUNT ONE

5. Plaintiff at all times relevant herein was a resident of the Cleveland, Cuyahoga County and the State of Ohio.
6. On or about September 12, 2014, Plaintiff, while walking down the aisle of the Defendant CVS Caremark's Store, located at 8000 Euclid Ave., Cleveland, OH 44103, tripped over a hose (not in plain view), attached to cleaning equipment, left by the cleaning crew, causing her to fall forward onto the floor, thereby causing her left knee and right thumb to make contact with the floor.
7. As a result of the fall, Plaintiff injured her left knee, neck, left hip, left foot, both shoulders and right thumb.
8. Plaintiff asserts that there were no warning signs placed in the area in which she fell.
9. Plaintiff asserts that she made an incident report with Defendant CVS Caremark's store Manager, who was on duty, shortly after the time of the fall.
10. Plaintiff asserts that Defendants failed to maintain its property (specifically by placing warning signs in the area or removing the cleaning equipment) which caused Plaintiff to fall, thereby injuring her left knee, neck, left hip, left foot, both shoulders and right thumb.
11. As a direct and proximate result of Defendants' negligence in failing maintain the property, Plaintiff sustained personal injuries, including but not limited to, injuries to her left knee, neck, left hip, left foot, both shoulders and right thumb, resulting in pain, both temporary and permanent, and suffering that resulted in her

absence from work, an impairment of her normal, social and recreational pursuits, including her ability to perform her usual daily activities all of which he expects to continue into the indefinite future.

12. As a direct and proximate result of Defendants' negligence, as set forth herein above, in paragraph nos. six (6) and ten (10), Plaintiff continues to experience intermittent pain and suffering to the present and has incurred medical and hospital expenses and she expects that the medical expenses will continue into the indefinite future.

13. As a direct and proximate result of Defendants' negligence, Defendants are liable to Plaintiff for personal injuries, medical and hospital expenses and lost wages in an amount greater than \$25,000.00.

WHEREFORE, Plaintiff demands judgment on **Count One** against Defendants in an amount greater than \$25,000.00, with interest and costs and for any and all other relief this Honorable Court determines is appropriate and just.

Respectfully submitted,



Samuel R. Smith II (0076242)
1220 W. 6th St., Suite 203
Cleveland, Ohio 44113
(216) 225-7972/fax (855) 320-8107

Attorney for Plaintiff
Kelly Polian

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully submitted,



Samuel R. Smith II (0076242)
1220 W. 6th St., Suite 203
Cleveland, Ohio 44113
(216) 225-7972/fax (855) 320-8107

Attorney for Plaintiff
Kelly Polian